

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

ALFREDO ODAR
Plaintiff,

v.

**FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE
OIL, LLC**
Defendants.

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CIVIL ACTION NO. 4:21-cv-00079

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 143rd Judicial District Court of Reeves County, Texas.

EXHIBIT	DATE	DOCUMENT
2		State Court File
2a	10/20/2021	Docket Sheet
2b	03/01/2021	Plaintiff's Original Petition
2c	03/11/2021	Affidavit of Service for Rocky Mountain Crude Oil, LLC
2d	03/12/2021	Plaintiff's First Amended Petition
2e	04/19/2021	Defendant Felix Energy Holdings II, LLC's Original Answer
2f	04/22/2021	Defendant Felix Energy Holdings II, LLC's Notice of Removal
2g	07/28/2021	Defendant Rocky Mountain Crude Oil, LLC's Original Answer to Plaintiff's First Amended Petition
2h	09/09/2021	Order Granting Defendant Felix Energy Holdings II, LLC's Motion to Substitute Counsel

2i	09/09/2021	Defendant Felix Energy Holdings II, LLC's Motion to Substitute Counsel
2j	09/27/2021	Plaintiff's Notice of Filing Medical and Billing Affidavits

EXHIBIT 2a

https://research.txcourts.gov/CourtRecordsSearch/ViewCasePrint/b6bb9bf3ed985e72a8ff637d53e54107

Case Information

ODAR, ALFREDO VS. ROCKY MOUNTAIN CRUDE OIL LLC,FELIX ENERGY HOLDINGS, II, LLC,FELIX ENERGY HOLDINGS II, LLC

21-03-23887-CVR

Location	Case Category	Case Type	Case Filed Date
Reeves County - District Clerk	Civil - Injury or Damage	Other Injury or Damage	3/1/2021

Parties4

Type	Name	Attorneys
Plaintiff	ODAR, ALFREDO	JUAN CARLOS GARCIA
Defendant	FELIX ENERGY HOLDINGS II, LLC	DAVID L. SARGENT
Defendant	FELIX ENERGY HOLDINGS, II, LLC	DANIEL J. HARPER
Defendant	ROCKY MOUNTAIN CRUDE OIL LLC	DAVID L. SARGENT

Events10

Date	Event	Type	Comments	Documents
3/1/2021	Filing	Petition	PLAINTIFF'S ORIGINAL PETITION	2021-03-01 Original Petition_Odar Alfredo.pdf
3/11/2021	Filing	No Fee Documents	AFFIDAVIT OF SERVICE	Affidavit of Service_Odar Alfredo.pdf
3/12/2021	Filing	Amended Filing	PLAINTIFF'S FIRST AMENDED PETITION	2021-03-12 Plaintiff's First Amended Petition_Odar Alfredo.pdf
4/19/2021	Filing	Answer/Response	Defendant's Original Answer	Felix Energy's Orig Ans.pdf
4/22/2021	Filing	Notice	Felix Energy Holdings II, LLC's Notice of Removal	Ntce of Removal-State.pdf
4/22/2021	Filing	No Fee Documents	Notice of Removal -Exhibit 1	Ntce of Removal-State_Exhibit 1.pdf
7/28/2021	Filing	Answer/Response	Defendant Rocky Mountain Crude Oil, LLC's Original Answer to Plaintiff's First Amended Petition	ODAR Def RMC Answer to Pl's Amended Petition.pdf
9/9/2021	Filing	Proposed Order	Order Granting Motion to Substitute Counsel	Order Granting Mtn to Substitute Counsel.pdf
9/9/2021	Filing	Motion (No Fee)	Defendant's Motion to Substitute Counsel	Def's Motion to Substitute Counsel.pdf
9/27/2021	Filing	Notice	PLAINTIFF'S NOTICE OF FILING MEDICAL AND BILLING AFFIDAVITS	2021-09-27 P's Notice of Medical Record and Billing Affidavits_Odar Alfredo.pdf



EXHIBIT 2b

CAUSE NO. 21-03-23887-CVRALFREDO ODAR
Plaintiff,§
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§

IN THE DISTRICT COURT OF

v.

REEVES COUNTY, TEXAS

ROCKY MOUNTAIN CRUDE OIL LLC
*Defendant.*143 RD
 JUDICIAL DISTRICT**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Alfredo Odar ("Plaintiff") complains of Defendant Rocky Mountain Crude Oil LLC ("Defendant Rocky Mountain Crude") and for cause of action would respectfully show the Court as follows:

I.**DISCOVERY CONTROL PLAN**

1. Plaintiff requests that this case be governed by Discovery Control Plan Level 3, pursuant to TEX. R. CIV. P. 190.4.

II.**DAMAGES**

2. Mr. Odar's claims and causes of action arise out of an incident while he was employed by Defendant Rocky Mountain Crude LLC while at a work site owned and operated by Felix Energy, where Plaintiff perform work and suffered serious injuries. Mr. Odar's claims involve negligence. Mr. Odar seeks monetary relief over \$1,000,000.00 and demands judgment for all other relief to which he may be entitled.

III.**PARTIES**

3. PLAINTIFF, ALFREDO ODAR is a resident of Harris County, Texas.

4. DEFENDANT, ROCKY MOUNTAIN CRUDE OIL LLC is a corporation incorporated under the laws of Texas, doing business in Reeves County, Texas. Defendant can be served via its registered agent, Cantrell & Cantrell, PLLC at 3700 Buffalo Speedway, Suite 1000, Houston, Texas 77098.

IV.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this controversy because the damages are within its jurisdictional limits.

6. Venue for this action is proper in Reeves County, Texas, because it is the county in which all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. *See* TEX. CIV. PRAC. & REM CODE § 15.002(a).

V.

FACTUAL BACKGROUND

7. On March 26, 2019, Plaintiff Alfredo Odar was working as an employee of Defendant Rocky Mountain Crude at a job site in Reeves County, Texas.

8. Mr. Odar was working as a tanker truck driver for Defendant Rocky Mountain Crude when he was offloading crude oil from his tanker as instructed by Defendant Rocky Mountain Crude to a depository pump owned, operated, and controlled by the Felix Energy. While the tanker was offloading crude oil via hoses, the depository pump shut down. This caused a buildup of pressure in the hose causing it to burst. The hose struck Mr. Odar's face and crude oil sprayed on him. Mr. Odar suffer from injury and pain from being struck by the hose and from being sprayed with crude oil on his face and body.

9. Defendant was negligent in not ensuring the safety of the work they directed Mr. Odar to perform, in not properly training their employees and agents, and in not ensuring a safe working

environment for Mr. Odar. Because of Defendants' negligence, Mr. Odar has suffered permanent physical injuries and mental anguish which has required, and will continue to require, medical treatment now and into the future. These treatments have not rendered Mr. Odar pain free or relieved him of his mental anguish.

VI.

CAUSES OF ACTION

Count 1: Negligence

10. Plaintiff incorporates all paragraphs in this Petition into this count.
11. Defendant Rocky Mountain Crude is liable to Mr. Odar for negligence.
12. Defendant owed a duty or duties to Mr. Odar, including, but not limited to one or more of the following ways:
 - a. Duty to use ordinary care;
 - b. Duty to use ordinary care in providing safe work conditions to its employees;
 - c. Duty to use ordinary care in supervising its employees;
 - d. Duty to use ordinary care in training its employees;
 - e. Duty to use ordinary care in taking precautions to protect the safety of others when an employee performs work that is inherently dangerous; and
 - f. Duty to use ordinary care to take corrective measures or to cancel a contract when an employer promulgates and enforces safety regulations and has actual knowledge that a contractor routinely ignores applicable safety regulations.
13. Defendant Rocky Mountain Crude breached their duties when they failed to do that which a person of ordinary prudence would or would not have done under the same or similar circumstances or when they failed to do that which a professional of ordinary prudence in

that particular field would or would not have done under the same or similar circumstances.

14. Specifically, Defendant Rocky Mountain Crude breached their duty of care in one or more of the following ways:

- a. Failed to properly train their employees;
- b. Failed to provide adequate equipment;
- c. Failed to properly supervise their employees;
- d. Failed to conduct adequate equipment maintenance;
- e. Failed to maintain a safe work environment;
- f. Failed to properly supervise work being performed;
- g. Failed to provide adequate warning to Plaintiff of the dangerous condition;
- h. Failed to provide adequate medical treatment;
- i. Failed to provide adequate instruction;
- j. Failed to properly inspect the premises;
- k. Intentionally directed an action that Defendant Rocky Mountain Crude knew was inherently dangerous;
- l. Otherwise failing to exercise ordinary care under the circumstances;
- m. Failed to implement adequate safety policies and procedures;
- n. Failed to ensure its safety systems were adequate and functional;
- o. Failed to have adequate emergency protocols;
- p. Failed to properly train its safety personnel to prevent exposure to dangerous chemicals;
- q. Failed to provide reasonable first aid to Mr. Odar;
- r. Violations of applicable rules, regulations, and standards;

- s. Vicariously liable for the acts and omissions of their employees and agents;
- t. Other acts deemed negligent;
- u. Failing in additional ways, as will be revealed during discovery.

15. Defendant Rocky Mountain Crude's conduct, actions, and inactions collectively or in combination with others were a cause in fact, producing cause, legal cause, direct cause, proximate cause or a substantial factor in causing Plaintiff's injuries and damages.

16. Plaintiff suffered substantial injuries and damages as set forth more fully below.

17. Plaintiff seeks damages within the jurisdictional limits of this Court.

VII.

PLAINTIFF'S T.R.C.P. 193.7 NOTICE OF SELF-AUTHENTICATION OF DOCUMENTS

18. Notice is hereby served, that pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, all documents, materials, photographs, or discovery materials produced by Defendant are self-authenticated for use by Plaintiff against Defendant and Plaintiff reserves the right to rely on the authenticity of and to use any of such documents in any pretrial proceeding or at trial in the above entitles and numbered case.

VIII.

JURY DEMAND

19. Plaintiff hereby demands a jury trial and tenders the appropriate fee with this petition.

IX.

PRAYER FOR RELIEF

20. For these reasons, Plaintiff respectfully prays that the Court enter judgment against Defendant Rocky Mountain Crude as follows:

- a. for actual and exemplary damages in an amount within the jurisdictional limits of the court;
- b. for reasonable and necessary past and future medical costs and expenses;
- c. for past and future pain and suffering and mental anguish;
- d. for past and future lost wages and lost wage-earning capacity;
- e. for past and future physical impairment;
- f. for pre and post-judgment interest, as allowed by law;
- g. for costs of suit (including costs of depositions and expert witness fees); and
- h. for any additional relief to which Plaintiff may be entitled.

Respectfully submitted,

JOHNSON GARCIA LLP

By: /s/ Juan C. Garcia

Juan C. Garcia (SBN 24045914)

Daniel Johnson (SBN 24046165)

William Mejia (SBN 24063786)

Two Arena Place

7324 Southwest Fwy, Suite 545

Houston, Texas 77074

Telephone: (832) 844-6700

Facsimile: (832) 844-6868

E-mail: juan@johnsongarcialaw.com

E-mail: daniel@johnsongarcialaw.com

E-mail: william@johnsongarcialaw.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT 2c

AFFIDAVIT OF SERVICE

State of Texas

County of REEVES

143rd Judicial District Court

Case Number: 21-03-23887-CVR

Plaintiff:
ALFREDO ODAR



vs.

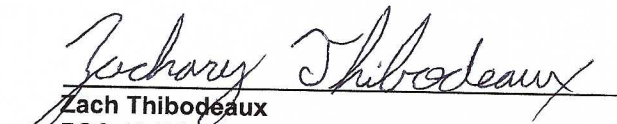
Defendant:
ROCKY MOUNTAIN CRUDE OIL LLC

Received by Zach Thibodeaux on the 8th day of March, 2021 at 2:55 pm to be served on **ROCKY MOUNTAIN CRUDE OIL LLC REGISTERED AGENT: CANTRELL & CANTRELL PLLC, 3700 BUFFALO SPEEDWAY, STE 1000, HOUSTON, TX 77098.**

I, Zach Thibodeaux, being duly sworn, depose and say that on the **10th day of March, 2021 at 1:20 pm, I:**

Served an authorized agent by delivering a true copy of the **CITATION / PLAINTIFF'S ORIGINAL PETITION** with the date and hour of service endorsed thereon by me, to: **Carol Cantrell as Attorney And Partner Of Cantrell & Cantrell** at the address of: **3700 BUFFALO SPEEDWAY, STE 1000, HOUSTON, TX 77098** on behalf of **ROCKY MOUNTAIN CRUDE OIL LLC**, and informed said person of the contents therein, in compliance with state statutes.

"My name is Zach Thibodeaux my date of birth is 6/27/1985 and my address is 1419 Montrose Blvd., Unit 702, HOUSTON,, TX 77009. I declare under penalty of perjury that the foregoing is true and correct. Executed in Harris County, State of Texas on the 11th Day of March, 2021, Zach Thibodeaux declarant."


Zach Thibodeaux
PSC-13486 , EXP 02/28/2022

**Pronto Process
1406 W Salinas
San Antonio, TX 78207
(210) 226-7192**

Our Job Serial Number: BBW-2021002606

EXHIBIT 2d

CAUSE NO. 21-03-23887-CVR

ALFREDO ODAR	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	REEVES COUNTY, TEXAS
	§	
FELIX ENERGY HOLDINGS II, LLC and	§	
ROCKY MOUNTAIN CRUDE OIL LLC	§	
<i>Defendants.</i>	§	143 RD JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Alfredo Odar ("Plaintiff") complains of Defendant Rocky Mountain Crude Oil LLC ("Defendant Rocky Mountain") and Felix Energy Holdings II, LLC ("Defendant Felix Energy") and for cause of action would respectfully show the Court as follows:

I.**DISCOVERY CONTROL PLAN**

1. Plaintiffs request that this case be governed by Discovery Control Plan Level 3, pursuant to TEX. R. CIV. P. 190.4.

II.**DAMAGES**

2. Mr. Odar's claims and causes of action arise out of an incident while he was employed by Defendant Rocky Mountain Crude LLC while at a work site owned and operated by Felix Energy, where Plaintiff perform work and suffered serious injuries. Mr. Odar's claims involve negligence. Mr. Odar seeks monetary relief over \$1,000,000.00 and demands judgment for all other relief to which he may be entitled.

III.

PARTIES

3. PLAINTIFF, ALFREDO ODAR is a resident of Harris County, Texas.

4. DEFENDANT, ROCKY MOUNTAIN CRUDE OIL LLC is a corporation incorporated under the laws of Texas, doing business in Harris County, Texas. Defendant can be served via its registered agent, Cantrell & Cantrell, PLLC at 3700 Buffalo Speedway, Suite 1000, Houston, Texas 77098.

5. DEFENDANT, FELIX ENERGY HOLDINGS II, LLC is a foreign corporation incorporated under the laws of Delaware, who is doing business in Texas. Defendant can be served via its registered agent, Cogency Global Inc. at 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

IV.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this controversy because the damages are within its jurisdictional limits.

7. Venue for this action is proper in Reeves County, Texas, because it is the county in which all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. *See* TEX. CIV. PRAC. & REM CODE § 15.002(a).

V.

FACTUAL BACKGROUND

8. On March 26, 2019, Plaintiff Alfredo Odar was working as an employee of Defendant Rocky Mountain at a job site in Reeves County, Texas. The job site was owned, operated, and controlled by the Defendant Felix Energy.

9. Mr. Odar was working as a tanker truck driver for Defendant Rocky Mountain when he

was offloading crude oil from his tanker as instructed by Defendant Rocky Mountain to the depository owned, operated, and controlled by the Defendant Felix Energy. While the tanker was offloading crude oil via hoses, the depository pump shut down. This caused a buildup of pressure in the hose causing it to burst. The hose struck Mr. Odar's face and crude oil sprayed on him. Mr. Odar suffer from injury and pain from being struck by the hose and from being sprayed with crude oil on his face and body.

10. Defendants were negligent, individually, and collectively, in not ensuring the safety of the work they directed Mr. Odar to perform, in not properly training their employees and agents, and in not ensuring a safe working environment for Mr. Odar. Because of Defendants' negligence Mr. Odar has suffered permanent physical injuries and mental anguish which has required, and will continue to require, medical treatment now and into the future. These treatments have not rendered Mr. Odar pain free or relieved him of his mental anguish.

VI.

CAUSES OF ACTION

Count 1: Negligence

11. Plaintiff incorporates all paragraphs in this Petition into this count.
12. Defendants are jointly and severally liable to Mr. Odar for negligence.
13. Defendants owed a duty or duties to Mr. Odar, including, but not limited to one or more of the following ways:
- a. Duty to use ordinary care;
 - b. Duty to use ordinary care in exercising whatever control it retains over an independent contractor or subcontractor;
 - c. Duty to use ordinary care in supervising its employees;

- d. Duty to use ordinary care in training its employees;
- e. Duty to use ordinary care in selecting an independent contractor;
- f. Duty to use ordinary care in taking precautions to protect the safety of others when an independent contractor or employee performs work that is inherently dangerous; and
- g. Duty to use ordinary care to take corrective measures or to cancel a contract when an employer promulgates and enforces safety regulations and has actual knowledge that a contractor routinely ignores applicable safety regulations.

14. Defendants breached their duties when they failed to do that which a person of ordinary prudence would or would not have done under the same or similar circumstances or when they failed to do that which a professional of ordinary prudence in that particular field would or would not have done under the same or similar circumstances.

15. Specifically, Defendants breached their duty of care in one or more of the following ways:

- a. Failed to properly train their employees;
- b. Failed to provide adequate equipment;
- c. Failed to properly supervise their employees;
- d. Failed to conduct adequate maintenance;
- e. Failed to maintain a safe work environment;
- f. Failed to properly supervise work being performed;
- g. Failed to provide adequate warning to Plaintiff of the dangerous condition;
- h. Failed to provide adequate medical treatment;
- i. Failed to provide adequate instruction;
- j. Failed to properly inspect the premises;

- k. Intentionally directed an action that Defendants knew was inherently dangerous;
- l. Otherwise failing to exercise ordinary care under the circumstances;
- m. Failed to implement adequate safety policies and procedures;
- n. Failed to ensure its safety systems were adequate and functional;
- o. Failed to have adequate emergency protocols;
- p. Failed to properly train its safety personnel to prevent exposure to dangerous chemicals;
- q. Failed to provide reasonable first aid to Mr. Odar;
- r. Violations of applicable rules, regulations, and standards;
- s. Vicariously liable for the acts and omissions of their employees and agents;
- t. Other acts deemed negligent;
- u. Failing in additional ways, as will be revealed during discovery.

16. Defendants' conduct, actions, and inactions collectively or in combination with others were a cause in fact, producing cause, legal cause, direct cause, proximate cause or a substantial factor in causing Plaintiffs injuries and damages.

17. Plaintiff suffered substantial injuries and damages as set forth more fully below.

18. Plaintiff seeks damages within the jurisdictional limits of this Court.

COUNT II: PREMISES LIABILITY (FELIX ENERGY)

19. In addition and in the alternative, Defendant Felix Energy are liable to Mr. Odar for premises liability.

20. Defendants owned, occupied, possessed, and controlled the area where Mr. Odar

was injured.

21. On March 26, 2019, Mr. Odar was an invitee on the premises;

22. On March 26, 2019, Defendant Felix Energy owed a legal duty to its invitee, Mr.

Odar, including the following:

- a. Duty to keep the premises in a reasonably safe condition;
- b. Duty to make the dangerous condition reasonably safe;
- c. Duty to protect Mr. Odar from unreasonable risks of harm;
- d. Duty to adequately warn Mr. Odar of the dangerous condition;
- e. Duty to exercise reasonable care to avoid any foreseeable risk of injury to others;
- f. Duty to take affirmative action to control or avoid increasing the danger from a condition that has been at least partially created by the individual's conduct;
- g. Duty to use ordinary care in aiding or protecting others from peril when the peril is under Defendant's control;

23. On March 26, 2019 and at all times material to this lawsuit, there was an unreasonably dangerous condition on the premises in the area where Mr. Odar was injured. Defendants knew, or reasonably should have known, about the dangerous condition on the premises. The condition was concealed, and not open and obvious, at least as to Mr. Odar, and he was not aware of the danger. The premises condition created a dangerous hazard for invitees on the premises, thereby constituting a special defect or premises defect.

24. Defendants had a duty to either warn Mr. Odar of this unreasonably dangerous condition or to make the unreasonably dangerous condition reasonably safe. Defendants breached this duty by failing to warn Mr. Odar of this known and unreasonably dangerous condition

and by failing to make the unreasonably condition safe when the Defendants knew such conduct was substantially certain to cause the injury.

25. On March 26, 2019, Mr. Odar had no other choice but to use an unsafe premise.

It was 1) necessary that the invitee, Mr. Odar, use the dangerous premises, and 2) Defendants should have anticipated that the invitee is unable to take measures to avoid the risk.

26. Defendants' conduct and actions were a cause in fact, producing cause, legal cause, direct cause, and proximate cause of Plaintiffs injuries and damages.

27. Plaintiff suffered injuries and damages as set forth more fully below.

28. Plaintiff seeks damages within the jurisdictional limits of this Court.

VII.

PLAINTIFF'S T.R.C.P. 193.7 NOTICE OF SELF-AUTHENTICATION OF DOCUMENTS

29. Notice is hereby served, that pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, all documents, materials, photographs, or discovery materials produced by Defendants are self-authenticated for use by Plaintiff against Defendants and Plaintiff reserves the right to rely on the authenticity of and to use any of such documents in any pretrial proceeding or at trial in the above entitled and numbered case.

VIII.

JURY DEMAND

30. Plaintiff hereby demands a jury trial and tenders the appropriate fee with this petition.

IX.

PRAYER FOR RELIEF

31. For these reasons, Plaintiff respectfully prays that the Court enter judgment against both

Defendants as follows:

- a. for actual and exemplary damages in an amount within the jurisdictional limits of the court;
- b. for reasonable and necessary past and future medical costs and expenses;
- c. for past and future pain and suffering and mental anguish;
- d. for past and future lost wages and lost wage-earning capacity;
- e. for past and future physical impairment;
- f. for pre and post-judgment interest, as allowed by law;
- g. for costs of suit (including costs of depositions and expert witness fees); and
- h. for any additional relief to which Plaintiff may be entitled.

Respectfully submitted,

JOHNSON GARCIA LLP

By: /s/ Juan C. Garcia

Juan C. Garcia (SBN 24045914)
Daniel Johnson (SBN 24046165)
William Mejia (SBN 24063786)
Two Arena Place
7324 Southwest Fwy, Suite 545
Houston, Texas 77074
Telephone: (832) 844-6700
Facsimile: (832) 844-6868
E-mail: daniel@johnsongarcialaw.com
E-mail: juan@johnsongarcialaw.com
E-mail: william@johnsongarcialaw.com
ATTORNEYS FOR PLAINTIFFS

EXHIBIT 2e

CAUSE NO. 21-03-23887-CVR

ALFREDO ODAR,	§	IN THE DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	REEVES COUNTY, TEXAS
	§	
FELIX ENERGY HOLDINGS II, LLC	§	
AND ROCKY MOUNTAIN CRUDE	§	
OIL LLC,	§	
<i>Defendants</i>	§	143RD JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, **FELIX ENERGY HOLDINGS II, LLC**, Defendant in the above-entitled and numbered cause, and for answer to Plaintiff's Original Petition on file herein, would respectfully show the Court the following, to-wit:

I.

Except for such matters as may be admitted upon the trial of this cause, Defendant, **FELIX ENERGY HOLDINGS II, LLC**, denies each and every, all and singular the allegations contained in Plaintiff's pleadings, and demands strict proof thereof.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon hearing hereof that Plaintiff takes nothing by said suit, and that Defendant be discharged with its costs in this behalf expended.

Respectfully submitted,

SHAHER, DAVIS, O'LEARY & STOKER

P.O. Drawer 1552

Odessa, TX 79760-1552

T: 432.332.0893

F: 432.333.5002

E: dharp@shaferfirm.com

By: /s/ Daniel J. Harper

DANIEL J. HARPER

State Bar No. 24074363

ATTORNEY FOR DEFENDANT

FELIX ENERGY HOLDINGS II, LLC

CERTIFICATE OF SERVICE

On the 19th day of April 2021, a true and correct copy of the above and foregoing instrument has been electronically served on:

Mr. Juan C. Garcia

Mr. Daniel Johnson

Mr. William Mejia

JOHNSON GARCIA LLP

daniel@johnsongarcialaw.com

juan@johnsongarcialaw.com

william@johnsongarcialaw.com

Attorneys for Plaintiff

/s/ Daniel J. Harper

DANIEL J. HARPER

EXHIBIT 2f

CAUSE NO. 21-03-23887-CVR

ALFREDO ODAR,	§	IN THE DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	REEVES COUNTY, TEXAS
	§	
FELIX ENERGY HOLDINGS II, LLC	§	
AND ROCKY MOUNTAIN CRUDE	§	
OIL LLC,	§	
<i>Defendants</i>	§	143RD JUDICIAL DISTRICT

DEFENDANT FELIX ENERGY HOLDINGS II, LLC'S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

On the 22nd day of April 2021, Defendant **FELIX ENERGY HOLDINGS II, LLC** ("**FELIX**") filed its Notice of Removal in the United States District Court for the Western District of Texas, Pecos Division. The Notice of Removal effects the removal, and the state court shall proceed no further unless and until the case is remanded. 28 U.S.C. § 1446(d). The Notice of Removal is attached hereto as Exhibit 1.

SHAFFER, DAVIS, O'LEARY & STOKER

P.O. Drawer 1552

Odessa, TX 79760-1552

T: (432) 332-0893

F: (432) 333-5002

E: dharper@shaferfirm.com

BY: /s/ DANIEL J. HARPER

DANIEL J. HARPER

State Bar No. 24074363

ATTORNEY FOR DEFENDANT

FELIX ENERGY HOLDINGS II, LLC

CERTIFICATE OF SERVICE

On the 22nd day of April 2021, a true and correct copy of the above and foregoing instrument has been electronically served on:

Mr. Juan C. Garcia
JOHNSON GARCIA, LLP
Two Arena Place
7324 Southwest Fwy, Suite 545
Houston, Texas 77074
juan@johnsongarcialaw.com
Attorneys for Plaintiff

/s/ DANIEL J. HARPER

DANIEL J. HARPER

EXHIBIT 1

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Alfredo Odar

(b) County of Residence of First Listed Plaintiff **Harris County, TX**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Juan C. Garcia, Johnson Garcia LLP
7324 SW Fwy., Suite 545
Houston, Texas 77074

DEFENDANTS

Felix Energy Holdings II, LLC

County of Residence of First Listed Defendant **Denver County, CO**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Daniel J. Harper, Shafer, Davis, O'Leary & Stoker
P. O. Drawer 1552
Odessa, Texas 79760-1552

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§1441(a) and 1446

Brief description of cause:
Premises Liability**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/22/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
Pecos ☒ DIVISION

Supplement to JS 44 Civil Cover Sheet
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

STATE COURT INFORMATION:

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

143rd District Court, Reeves County, Texas; Cause No. 21-03-23887-CVR; Alfredo Odar v. Felix Energy Holdings II, LLC and Rocky Mountain Crude Oil LLC.

2. Was jury demand made in State Court? ☒ Yes ☐ No

If yes, by which party and on what date?

Alfredo Odar

3/12/2021

Party Name

Date

STATE COURT INFORMATION:

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

1. Plaintiff Alfredo Odar; Juan C. Garcia, Johnson & Garcia, LLP, 7324 SW Fwy., Suite 545, Houston, Texas 77074; T: (832) 844-6700; Fax: (832) 844-6868;

2. Defendant Felix Energy Holdings II, LLC; Daniel J. Harper, Shafer, Davis, O'Leary & Stoker, P. O. Drawer 1552, Odessa, Texas 79760-1552; T: (432) 332-0893; Fax: (832) 333-5002;

3. Rocky Mountain Crude Oil, LLC; (No attorney at this time.)

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

None. Rocky Mountain Crude Oil, LLC has not answered but was served.

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

None known.

COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

None.

VERIFICATION:


Attorney for Removing Party,

2021-04-22
Date

Felix Energy Holdings II, LLC

Party/Parties

(NOTE: Additional comment space is available on page 3)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

ALFREDO ODAR,
PLAINTIFF

VS.

**FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE
OIL LLC,**
DEFENDANTS

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CIVIL ACTION NO

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DEFENDANT FELIX HOLDINGS II, LLC'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant **FELIX ENERGY HOLDINGS II, LLC** ("**Felix**") files this Notice of Removal and in support thereof shows the Court as follows:

I.
STATE COURT ACTION

1. On or about March 12, 2021, Plaintiff **ALFREDO ODAR** ("Plaintiff" or "**ODAR**") sued Defendants **FELIX** and his employer, **ROCKY MOUNTAIN CRUDE OIL, LLC**, in the 143rd District Court of Reeves County, Texas, in Cause Number 21-03-23887-CVR, styled *Alfredo Odar v. Felix Energy Holdings II, LLC, and Rocky Mountain Crude Oil, LLC* (the "State Action"). Plaintiff alleges negligent activity claims and premises liability. Plaintiff seeks damages in excess of \$75,000.00 as he alleges damages exceeding \$1,000,000.00. **FELIX ENERGY HOLDINGS II, LLC** has been merged into a successor entity, WPX Energy Permian, LLC. Both entities and their members are diverse and removal is proper.

2. Pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, Defendant **FELIX** removes this action to the United States District Court for the Western District of Texas, Pecos Division, which is the judicial district in which the action is pending.

II.

PROCEDURAL REQUIREMENTS

3. The State Action is properly removed to this Court. The State Action is pending in the 143rd Judicial District Court of Reeves County, Texas. Reeves County, Texas is one of the counties within the Pecos Division for the Western District of Texas. 28 U.S.C. §§ 1441, 1446(a).

4. Defendant timely removes the State Action because Defendant received notice of the State Action less than thirty days prior to the date of removal. Service of process on Defendant was received March 24, 2021. A true and correct copy of the First Amended Petition is attached as **Exhibit A**. Less than thirty days have passed since Defendant's receipt of the initial pleading setting forth the claim for relief. 28 U.S.C. § 1446(b).

III.

BASIS FOR REMOVAL

5. Removal is proper in this situation because **ALFREDO ODAR**'s causes of action against **FELIX ENERGY HOLDINGS II, LLC** invoke this Honorable Court's diversity jurisdiction and the amount in controversy exceeds \$75,000.00. **ODAR** claims "monetary relief over \$1,000,000" in paragraph 2 of his state court petition.

A. The Proper Parties are of Diverse Citizenship.

6. Plaintiff is a citizen of Texas. Plaintiff's First Amended Petition alleges that his residential address and domicile are in Harris County, Texas. *See Exhibit A*. Defendant, **FELIX ENERGY HOLDINGS II, LLC** is a limited liability company organized under the state laws of Delaware. On June 1, 2020, **FELIX ENERGY HOLDINGS II, LLC** merged into WPX Energy

Permian, LLC. WPX Energy Permian, LLC is a Delaware limited liability company with its principal place of business in Oklahoma. WPX Energy Inc. is the sole member of WPX Energy Permian, LLC. WPX Energy, Inc. is a Delaware corporation with its principal place of business in Oklahoma.

7. Defendant, **ROCKY MOUNTAIN CRUDE OIL, LLC**, is a limited liability company organized under the laws of Texas but is improperly joined.

8. “The citizenship of a limited partnership is based upon the citizenship of each of its partners.” *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079 (5th Cir. 2008). Likewise, “the citizenship of an LLC is determined by the citizenship of all of its members.” *Id.* at 1080. A corporation is a citizen of the state where it was incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 88-89 (2005).

9. For the purpose of diversity, Defendant, **FELIX ENERGY HOLDINGS II, LLC** is a Delaware limited liability company. Further its successor entity, WPX Energy Permian, LLC is a Delaware limited liability company with its principal place of business in Oklahoma with a Delaware corporation as its sole member. Accordingly, there is diversity of citizenship between Plaintiff and **FELIX ENERGY HOLDINGS II, LLC**.

B. The Court Should Disregard the Citizenship of Defendant Rocky Mountain Crude Oil, LLC, Odar’s employer, as it is Improperly Joined.

10. For the purposes of citizenship, **ROCKY MOUNTAIN CRUDE OIL, LLC**, Plaintiff’s employer, has been improperly joined for the sole purpose of defeating diversity jurisdiction. *See B., Inc. v. Miller Brewing Co.*, 663 F.2d 545, 546 (5th Cir. 1981). Courts have removal jurisdiction over cases in which an in-state Defendant has been fraudulently joined. *Rawls v. Old Republic Gen. Ins. Group, Inc.*, 489 F. Supp. 3d 646, 654 (S.D. Tex. 2020).

11. To establish that an in-state Defendant has been fraudulently joined, the removing party must show either “that there is no possibility that the Plaintiff would be able to establish a cause of action against the in-state court; or that there has been outright fraud in the Plaintiff’s pleading of jurisdictional facts.” *B., Inc.*, 663 F.2d at 549. Here, Plaintiff’s exclusive remedy against **ROCKY MOUNTAIN CRUDE OIL, LLC** is under a Workers’ Compensation claim and there is no valid state court cause of action. *Wingfoot Enterprises v. Alvarado*, 111 S.W.3d 134, 145 (Tex. 2003). Defendant **ROCKY MOUNTAIN CRUDE OIL, LLC**, has been fraudulently joined; therefore, this case is properly removed.

12. Diversity is complete because Plaintiff is a Texas Citizen and Defendant **FELIX ENERGY HOLDINGS II, LLC** is not a citizen of Texas. Removal is proper under Section 1441(b)(2) because no Defendant is a citizen of Texas, the state in which Plaintiff brought the State Action. 28 U.S.C. §1441(b)(2).

C. Amount in Controversy – Plaintiff seeks more than \$1,000,000.

13. The minimum amount in controversy requirement is met in this case. This case involves an amount in controversy that exceeds \$75,000.00. See Ex. B. See 28 U.S.C. § 1332; See *Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002) (“This [amount in controversy] requirement is met if (1) it is apparent from the face of the petition that the claims are likely to exceed \$75,000 . . .”). Plaintiff alleges in paragraph 2 of his Petition that he “seeks monetary relief over \$1,000,000.”

14. Based on the allegations in Plaintiff’s petition, the amount in controversy exceeds \$75,000.00. Because there is also complete diversity between the Defendants and Plaintiff, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a), and this Notice of Removal is proper and timely filed. See 28 U.S.C. §§ 1332(a), 1441, 1446.

CONCLUSION

WHEREFORE, Defendant removes this action from the 143rd Judicial District Court of Reeves County, Texas, to the United States District Court for the Western District of Texas, Pecos Division, so that this Court may assume jurisdiction over the cause as provided by law. Defendant prays for such other and further relief, in law and in equity, both general and specific, to which it may show itself to be justly entitled.

Respectfully submitted,

SHAFFER, DAVIS, O'LEARY & STOKER

P.O. Drawer 1552

Odessa, TX 79760-1552

T: (432) 332-0893

F: (432) 333-5002

E: dharper@shaferfirm.com

BY: /s/ DANIEL J. HARPER

DANIEL J. HARPER

State Bar No. 24074363

ATTORNEY FOR DEFENDANT

FELIX ENERGY HOLDINGS II, LLC

CERTIFICATE OF SERVICE

On the 22nd day of April 2021, a true and correct copy of the above and foregoing instrument has been served on:

Mr. Juan C. Garcia
JOHNSON GARCIA, LLP
Two Arena Place
7324 Southwest Fwy, Suite 545
Houston, Texas 77074
juan@johnsongarcialaw.com
Attorneys for Plaintiff

/s/ DANIEL J. HARPER
DANIEL J. HARPER

EXHIBIT 2g

CAUSE NO. 21-03-23887-CVR**ALFREDO ODAR**
Plaintiff,

v.

**FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE OIL,
LLC**
Defendants.§
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§**IN THE DISTRICT COURT****REEVES COUNTY, TEXAS****143RD JUDICIAL DISTRICT**

**DEFENDANT ROCKY MOUNTAIN CRUDE OIL, LLC'S ORIGINAL
ANSWER TO PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Rocky Mountain Crude Oil, LLC, Defendant herein, and file this its Original Answer to Plaintiff's First Amended Petition, and in support thereof would respectfully show unto this Honorable Court as follows:

I.
GENERAL DENIAL

Defendant denies each and every, all and singular, the allegations contained in Plaintiff's First Amended Petition and demands strict proof thereof as authorized by Texas Rule of Civil Procedure 92.

II.
INITIAL DISCLOSURE

Under Texas Rule of Procedure 194.2, Defendant requests that Plaintiff makes her initial disclosures, within thirty (30) days of the filing of Defendant's Original Answer, and provide information or material described in Rule 194.2(b) of the Texas Rules of Civil Procedure.

IV.
NOTICE OF INTENT TO USE DOCUMENTS PRODUCED
PURSUANT TO RULE 193.7

Defendant places Plaintiff on notice that pursuant to Texas Rule of Civil Procedure 193.7, all documents produced by Plaintiff in this litigation are authenticated for use against the producing party in this case and may be used as evidence during pre-trial procedures and at trial of this matter.

V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing hereof, Plaintiff take nothing by way of her cause of action herein, that Defendant recover its costs herein expended, and for such other and further relief, at law or in equity, to which Defendant may show itself justly entitled to receive.

Respectfully submitted,

SARGENT LAW, P.C.

By: /s/ David Sargent
DAVID L. SARGENT
State Bar No.: 17648700
david.sargent@sargentlawtx.com
BRETT D. TIMMONS
State Bar No.: 24013637
brett.timmons@sargentlawtx.com

1717 Main Street, Suite 4750
Dallas, Texas 75201
Telephone: (214) 749-6000
Facsimile: (214) 749-6100

ATTORNEYS FOR DEFENDANT
ROCKY MOUNTAIN CRUDE OIL,
LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on the 28th day of July 2021, a true and correct copy of the foregoing document was forwarded via E-File to Plaintiff's counsel of record:

Juan C. Garcia
Daniel Johnson
William Mejia
JOHNSON GARCIA, LLP
Two Arena Place
7324 Southwest Freeway, Suite 545
Houston, Texas 77074
daniel@johnsongarcialaw.com
juan@johnsongarcialaw.com
william@johnsongarcialaw.com

Daniel J. Harper
SHAFFER, DAVIS, O'LEARY & STOKER
P.O. Drawer 1552
Odessa, Texas 79760-1552
dharp@shaferfirm.com

/s/ David L. Sargent
DAVID L. SARGENT

2115673 v.1
0185/01000

EXHIBIT 2h

CAUSE NO. 21-03-23887-CVR

ALFREDO ODAR
Plaintiff,

v.

FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE OIL,
LLC
Defendants.

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IN THE DISTRICT COURT OF

REEVES COUNTY, TEXAS

143RD JUDICIAL DISTRICT

ORDER GRANTING MOTION TO SUBSTITUTE COUNSEL

ON THIS DAY, came to be considered Defendant, Felix Energy Holdings II, LLC's Motion to Substitute Counsel. The Court, having considered the matter, is of the opinion that the motion has merit and should in all things be **GRANTED**.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Felix Energy Holdings II, LLC's Motion to Substitute Counsel is **GRANTED**.

IT IS FURTHER ORDERED that Daniel Harper and SHAFER, DAVIS, O'LEARY & STOKER at 700 N. Grant, Suite 201, P.O. Drawer 1552, Odessa, Texas 79760, be permitted to withdraw as attorney of record for Felix Energy Holdings II, LLC, and David L. Sargent, Brett Timmons and the law firm of SARGENT LAW, P.C., 1717 Main Street, Suite 4750, Dallas, Texas 75201-7346 be substituted in as new counsel of record for Felix Energy Holdings II, LLC in this cause.

SIGNED on this _____ day _____, 2021.

JUDGE PRESIDING

EXHIBIT 2i

CAUSE NO. 21-03-23887-CVR**ALFREDO ODAR**
Plaintiff,

v.

**FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE OIL,
LLC**
Defendants.§
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§**IN THE DISTRICT COURT OF****REEVES COUNTY, TEXAS****143RD JUDICIAL DISTRICT****DEFENDANT'S MOTION TO SUBSTITUTE COUNSEL****TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Defendant Felix Energy Holdings II, LLC (Defendant herein) and files this its Motion to Substitute Counsel and requests that Daniel J. Harper of the law firm of SHAFER, DAVIS, O'LEARY & STOKER be allowed to withdraw herein as the Attorney of Record for Felix Energy Holdings II, LLC, in this case, and for the new attorney identified below to be substituted as counsel for Felix Energy Holdings II, LLC:

DAVID L. SARGENT
State Bar No. 17648700
BRETT D. TIMMONS
State Bar No. 24013637
SARGENT LAW, P.C.
1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
(214) 749-6516 – Telephone
(214) 749-6316 – Facsimile
E-Mail: david.sargent@sargentlawtx.com
E-Mail: brett.timmons@sargentlawtx.com

This Motion is not sought for the purpose of delay. Defendant, Felix Energy Holdings II, LLC approves of this substitution of counsel and requests the Court to order same.

WHEREFORE, PREMISES CONSIDERED, Defendant Felix Energy Holdings II, LLC prays that this Motion to Substitute Counsel be granted and that the Court enter an order permitting

Daniel Harper of the law firm of SHAFER, DAVIS, O'LEARY & STOKER to withdraw as attorney of record for Felix Energy Holdings II, LLC and substituting David Sargent and Brett Timmons with the law firm of SARGENT LAW, P.C., as attorney of record for Felix Energy Holdings II, LLC in this cause.

Respectfully submitted,

By: /s/ David Sargent
DAVID L. SARGENT
State Bar No. 17648700
david.sargent@sargentlawtx.com
BRETT D. TIMMONS
State Bar No. 24013637
brett.timmons@sargentlawtx.com

1717 Main Street, Suite 4750
Dallas, Texas 75201-7346
Telephone: (214) 749-6000
Facsimile: (214) 749-6100

ATTORNEYS FOR DEFENDANT

-AND-

By: /s/ Daniel J. Harper (with permission)
DANIEL J. HARPER
State Bar No. 24074363
dharp@shaferfirm.com

SHAFER, DAVIS, O'LEARY & STOKER
700 N. Grant, Suite 201 (79761)
P.O. Drawer 1552
Odessa, Texas 79760-1552
(432) 332-0893 – Telephone
(432) 333-5002 – Facsimile

CERTIFICATE OF SERVICE

The undersigned certifies that on the 9TH day of September 2021, a true and correct copy of the foregoing document was forwarded via ECF to Plaintiff's counsel of record:

Juan C. Garcia
Daniel Johnson
William Mejia
JOHNSON GARCIA, LLP
Two Arena Place
7324 Southwest Freeway, Suite 545
Houston, Texas 77074
daniel@johnsongarcialaw.com
juan@johnsongarcialaw.com
william@johnsongarcialaw.com

Daniel J. Harper
SHAHER, DAVIS, O'LEARY & STOKER
P.O. Drawer 1552
Odessa, Texas 79760-1552
dharp@shaferfirm.com

/s/ David L. Sargent

DAVID L. SARGENT

EXHIBIT 2j

CAUSE NO. 21-03-23887-CVR**ALFREDO ODAR,**
Plaintiff,

v.

**FELIX ENERGY HOLDINGS II, LLC
AND ROCKY MOUNTAIN CRUDE
OIL, LLC**
Defendants.§
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§**IN THE DISTRICT COURT OF****REEVES COUNTY, TEXAS****143rd JUDICIAL DISTRICT****PLAINTIFF'S NOTICE OF FILING MEDICAL AND BILLING AFFIDAVITS**

TO: Defendants Felix Energy Holdings II, LLC and Rocky Mountain Crude Oil, LLC, by and through their attorneys of record, David L. Sargent and Brett D. Timmons, Sargent Law, P.C., 1717 Main Street, Suite 4750, Dallas, Texas 75201.

Plaintiff files this notice of medical and billing records affidavits in compliance with §18.001,

Texas Civil Practice and Remedies Code and Rule 902(10), Rule 803(6) and 803(7), Texas Rules of Evidence, to wit:

Alfredo Odar

- Affidavit of Kitty Schrecengost, Medical Records Custodian for Reeves County Hospital;
(NOFA_ODAR_00001-00008)
- Affidavit of Naomi Matta, Medical Billing Records Custodian for Reeves County
Hospital (\$549.00); (NOFA_ODAR_00009-00017)
- Affidavit of Aracely Garcia, Medical Records Custodian for Radwan Al-Sabbagh MD;
(NOFA_ODAR_00018-00027)
- Affidavit of Aracely Garcia, Medical Billing Records Custodian for Radwan Al-Sabbagh
MD (\$2,875.00); (NOFA_ODAR_00028-00033)

- Affidavit of Romelia Rodriguez, Medical Records Custodian for Pecos Valley Rural Health Clinic; *(NOFA_ODAR_00034-00065)*
- Affidavit of Naomi Matta, Medical Billing Records Custodian for Pecos Valley Rural Health Clinic (\$187.00); *(NOFA_ODAR_00066-00074)*
- Affidavit of Ana Marrero, Medical Records Custodian for Northeast Urgent Care; *(NOFA_ODAR_00075-00078)*
- Affidavit of Ana Marrero, Medical Billing Records Custodian for Northeast Urgent Care (\$359.00); *(NOFA_ODAR_00079-00080)*
- Affidavit of Emily Tran, Medical Records Custodian for Memorial Hermann Surgery Center In Memorial Village; *(NOFA_ODAR_00081-00129)*
- Affidavit of Emily Tran, Medical Billing Records Custodian for Memorial Hermann Surgery Center In Memorial Village (\$4,185.00); *(NOFA_ODAR_00130-00131)*
- Affidavit of Ana Marrero, Medical Records Custodian for Lonestar Spine and Injury Center; *(NOFA_ODAR_00132-00134)*
- Affidavit of Ana Marrero, Medical Billing Records Custodian for Lonestar Spine and Injury Center (\$1,276.00); *(NOFA_ODAR_00135-00136)*
- Affidavit of Usha Chavda, Medical Records Custodian for Jay Chavda MD PA; *(NOFA_ODAR_00137-00150)*
- Affidavit of Usha Chavda, Medical Billing Records Custodian for Jay Chavda MD PA (\$460.00); *(NOFA_ODAR_00151-00153)*
- Affidavit of Sandra Hernandez, Medical Billing Records Custodian for Houston Premier Injury and Rehab (\$6,410.00); *(NOFA_ODAR_00154-00157)*

- Affidavit of Sandra Hernandez, Medical Records Custodian for Houston Premier Injury and Rehab; (*NOFA_ODAR_00158-00188*)
- Affidavit of Justin Martinez, Medical Records Custodian for Galleria MRI; (*NOFA_ODAR_00189-00191*)
- Affidavit of Kristen Thompson, Medical Billing Records Custodian for Galleria MRI (\$500.00); (*NOFA_ODAR_00192-00193*)
- Affidavit of Ana Marrero, Medical Records Custodian for Eye Wellness Plus; (*NOFA_ODAR_00194-00211*)
- Affidavit of Ana Marrero, Medical Billing Records Custodian for Eye Wellness Plus (\$20,893.98); (*NOFA_ODAR_00212-00217*)
- Affidavit of Virginia Echeverria, Medical Records Custodian for EMG Center of Houston; (*NOFA_ODAR_00218-00240*)
- Affidavit of Virginia Echeverria, Medical Billing Records Custodian for EMG Center of Houston (\$9,975.00); (*NOFA_ODAR_00241-00252*)
- Affidavit of Sandra Hernandez, Medical Billing Records Custodian for Elite Radiology (\$3,300.00); (*NOFA_ODAR_00253-00254*)
- Affidavit of Sandra Hernandez, Medical Records Custodian for Elite Radiology; (*NOFA_ODAR_00255-00257*)
- Affidavit of Mercedes Delgado, Medical Records Custodian for Advanced Pain & Headache Medical Clinic; (*NOFA_ODAR_00258-00269*)
- Affidavit of Mercedes Delgado, Medical Billing Records Custodian for Advanced Pain & Headache Medical Clinic (\$20,451.00); (*NOFA_ODAR_00270-00275*)

- Affidavit of Kelly Heuer, Medical Billing Records Custodian for Virtual Radiologic (\$0.00); (*NOFA_ODAR_00276-00277*)

Plaintiff intends to offer the records from the above-referenced facilities into evidence at the trial of this case. It is further Plaintiff's intent to offer these records pursuant to §18.001, *Texas Civil Practice and Remedies Code* and applicable *Texas Rules of Evidence*. These records along with the attached affidavits have previously been served upon opposing counsel on August 19, 2021, and September 27, 2021.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents have been sent by in accordance with the Texas Rules of Civil Procedure on this 27th day of September 2021.

Via E- File Texas

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